

Proposed Listing of the Louisiana Pinesnake Under the Endangered Species Act Questions and Answers

What action is the U.S. Fish and Wildlife Service taking?

The Service is proposing to list the Louisiana pinesnake as a threatened species under the Endangered Species Act (ESA). A threatened designation means a species is likely to become endangered within the foreseeable future throughout all or a significant portion of its range.

What is the Louisiana pinesnake and where can you find it?

Reaching up to about five feet long, the Louisiana pinesnake is richly camouflaged in black, browns, and russet. It has a buff to yellowish background color marked with 28-38 dark blotches that become better defined towards the tail. The belly is either unmarked or boldly patterned with black markings. A characteristic is that its body markings are always conspicuously different at opposite ends of its body. If the head and tail portions are lined up alongside each other, they appear to be from completely different kinds of snakes. Adults range from 48 to 56 inches in length. The Louisiana pinesnake is an egg-laying constrictor with a small head and a pointed snout, and is a good burrower.

The Louisiana pinesnake is closely aligned with a disjunct portion of the historic longleaf – dominated pine ecosystem that existed in west-central Louisiana and east Texas. By the 1930's, much of the sandy, longleaf pine – dominated savannahs historically occupied by the Louisiana pinesnake had been lost, and by the late 1980's, the natural longleaf pine habitat acreage in Louisiana and Texas was only about 15 percent and 8 percent, respectively, of what had existed in 1935. The Louisiana pinesnake is currently found in the open-canopied southern pine forests of north and central Louisiana and east Texas. It primarily eats Baird's pocket gophers, which contributes to a balanced and functioning ecosystem. The snake is secretive in nature and spends much of its time underground in burrows of its pocket gopher prey. Like its prey, the Louisiana pinesnake is most often found in areas with sandy,

well-drained soils in an open-canopied pine forest, with a reduced shrub layer, and dense, herbaceous ground cover dominated by grasses and forbs.

Why is the Service proposing to list the Louisiana pinesnake as threatened?

The Service used the best scientific information available to assess the status of and threats to the Louisiana pinesnake and found that it meets the definition of a threatened species. The range and numbers of the species has declined primarily due to loss and fragmentation of suitable habitat. The longleaf pine ecosystem historically inhabited by the Louisiana pinesnake has been reduced from its historical extent by approximately 96 percent. Conservation agencies, non-profits, and businesses are taking steps to reverse that habitat decline; however, habitat continues to be threatened by human activities, and private lands where the snake occurs lack regulatory mechanisms that guarantee protection of its habitat. The Louisiana pinesnake also is threatened by mortality due to vehicle strikes and predators, and the fact that populations are already small, isolated, genetically compromised, and reproduce slowly. In addition, the intentional killing of snakes by humans, introduced predators, and disease pose potential threats to the Louisiana pinesnake. Because of the threats to the Louisiana pinesnake and its habitat, we have found that the pinesnake is likely to become endangered in the foreseeable future.

What would a listing mean for the private landowner?

The basic responsibility of private landowners having Louisiana pinesnake populations on their lands is to avoid “take” of the species. Take means to harass, harm, kill, trap, capture, or collect a species listed under the ESA. This definition includes land use activities that result in death or harm to the species. For example, direct destruction of the habitat (e.g., clearing pine uplands for non-forest uses such as agriculture or development) in an area where pine snakes are known to occur would likely result in harm to, or death of the snake. In such instances, the Service can work with the landowner to develop a Habitat Conservation Plan or put in place a Safe Harbor Agreement providing assurances for future management through measures designed to avoid, reduce, and/or mitigate those impacts. Most landowners whose property is outside the area occupied by the Louisiana pinesnake will see minimal to no change in how they currently manage their property.

What would a listing mean for federal agencies?

Federal agencies have an obligation to conserve listed plants and animals as well as their critical habitat. The ESA requires federal agencies to consult with the Service to ensure that any activity they fund, authorize, or carry out will not jeopardize the survival of a listed species or adversely modify designated critical habitat. Therefore, federal agencies must consult with the Service for an activity involving federal funding or federal permits on public or private land.

Federal agencies have previously consulted with the Service on other federally protected species, such as the endangered red-cockaded woodpecker, in areas known to be occupied by the Louisiana pinesnake.

What would a listing mean to the timber industry?

The same responsibility of private landowners to avoid “take” also applies to timber producers. Some timber producers and other landowners are already implementing conservation activities on their lands, such as prescribed burning and lower density planting, both of which can enhance herbaceous vegetation and benefit the Louisiana pinesnake. Some activities, such as bedding or other intensive mechanical site preparation, which can impact the Louisiana pinesnake and its occupied habitat, may require consultation with the Service if the species is listed. Most landowners whose property is located outside the area occupied by the Louisiana pinesnake will see minimal to no change in how they currently manage their forest if the Louisiana pinesnake is listed.

What can people do to help?

- Support prescribed burning and other habitat management to create and maintain herbaceous vegetation cover in longleaf and other pine forests.
- Avoid the killing of snakes; including vehicle caused mortality.
- Do not capture or collect Louisiana pinesnakes.
- Help others understand the harmless and beneficial nature of Louisiana pinesnakes.
- Recognize the Louisiana pinesnake as an important part of the longleaf pine dominant ecosystem and truly a species to be treasured and appreciated.

Is the Service including a 4(d) rule exempting certain activities with the proposed listing rule?

Under section 4(d) of the ESA, the Service has discretion to issue regulations that we find necessary and advisable to provide for the conservation of threatened wildlife. We may also exempt by regulation with respect to threatened wildlife any act prohibited by section 9(a)(1) of the ESA for endangered wildlife. By developing a 4(d) rule, the general regulations (50 CFR 17.31 and 17.71) applying most prohibitions under Section 9 of the ESA to threatened species do not apply to that species, and the 4(d) rule contains the prohibitions necessary and advisable to conserve that species.

Through the 60 day public comment period, the Service is seeking input on activities that might warrant being exempted under section 4(d) of the ESA. The Service is considering proposing such measures before the final listing determination is published, and will evaluate ideas provided by the public in considering whether such exemptions are necessary and advisable for the conservation of the Louisiana pinesnake.

Who should you contact for more information?

For more information regarding the proposed listing of the Louisiana pinesnake, please contact the Louisiana Ecological Services Office at 337-291-3100, or lafayette@fws.gov.

What has the Service done to help this species before proposing for listing?

The Service partnered with other federal agencies, state natural resource agencies, and non-governmental organizations to develop a Candidate Conservation Agreement (CCA) for the Louisiana pinesnake that was completed in 2003 (revised in 2013), and targeted conservation actions are currently being implemented. The CCA is designed to identify and establish beneficial habitat management actions for the Louisiana pinesnake on federal lands in Louisiana and Texas, and provides a means for the partnering agencies to work cooperatively on projects that avoid and minimize impacts to the species.

The Service also has advised other agencies on management needs for the species, talked to landowners and industry about conservation of the species, and funded and participated in surveys and habitat restoration efforts for the Louisiana pinesnake. Of particular note, the Service has been working with partners to encourage the restoration and management of

longleaf pine habitats for the benefit of the Louisiana pinesnake and other species, through the America's Longleaf Initiative, through the Service's Partners for Fish and Wildlife Program, and through collaboration with USDA – Natural Resources Conservation Service. In addition, the Service is currently developing a Candidate Conservation Agreement with Assurances (CCAA) with the Louisiana Department of Wildlife and Fisheries. The Louisiana pinesnake CCAA is intended to establish a mechanism allowing for the participation of Service, Louisiana Department of Wildlife and Fisheries, and others in specific conservation activities benefiting the snake."

Initiation of this CCAA will further the conservation of the Louisiana pinesnake on private lands by protecting known populations. It will likewise protect existing and enhance potential habitat through restoration and management, creating potentially suitable areas for the reintroduction of captive snakes in the future. The Service and the Louisiana Department of Wildlife and Fisheries have met with the Louisiana Forestry Association several times during the last few years to discuss the CCAA and potential enrollment by private landowners. Louisiana Forestry Association members have reviewed and commented on the draft conservation measures identified in that CCAA.

Can other forest types provide suitable habitat for the Louisiana pinesnake?

The Louisiana pinesnake is closely tied to longleaf-dominated pine savannahs on well-drained sandy soils with an abundance of Baird's pocket gophers as its historic habitat. In keeping with the purposes of the ESA – one of which is to provide a means whereby the ecosystems upon which threatened and endangered species may be conserved – the Service will continue to promote and encourage the restoration and management of open-canopied longleaf pine forest stands on well-drained sandy soils in areas occupied by Baird's pocket gopher as the Louisiana pinesnake's native and preferred habitat.

Overstory species other than longleaf pine (e.g., loblolly, shortleaf, slash pine) can be managed to provide suitable understory for pocket gophers, but this is generally more difficult, as these species lack the physical characteristics and ecological adaptations to sustain desired understory conditions during all life stages, especially when managed with prescribed fire. Specifically, longleaf pine is adapted to thrive with frequent fire during all life stages, which allows continual maintenance of herbaceous communities. Other pine species lack these adaptations to fire that allow for frequent fire during all life stages (especially very young trees). Non-longleaf pine communities can be managed to provide suitable habitat within a stand when burning is not recommended (e.g., very young trees) by using herbicides and other techniques. However, if those techniques alter the composition or density of the groundcover vegetation and pocket gophers decline in response, it is likely that Louisiana

pinenakes will decline in response as well. In addition, longleaf pine structure (e.g., branch and needle structure) naturally allows more sunlight penetration at similar stem densities than other pine species.

Regardless of the methods used to promote herbaceous vegetation in the understory, the amount and types of herbaceous vegetation are limited by the amount of sunlight able to reach the forest floor and, for some species, by the presence of fire (i.e., to scarify seeds, promote seed production, and consume leaf litter). Therefore, conversion and management of overstory vegetation that does not provide for continued maintenance of herbaceous vegetation in otherwise suitable habitat will further limit habitat available to the Louisiana pinesnake.

What is the status of the Candidate Conservation Agreement with Assurances and who are the participants?

The CCAA draft is completed and currently under review by the Service. We expect that the agreement will be finalized by the end of 2016 (possibly by mid-November). The Service and the Louisiana Department of Wildlife and Fisheries are the participants in the CCAA. Once the CCAA is finalized, private landowners will be able to join as participants through individual Conservation Management Agreements administered by Louisiana Department of Wildlife and Fisheries.

How have the U.S. Forest Service and U.S. Army supported Louisiana pinesnake recovery?

As early as the 1980's, forest restoration and management had been implemented on Fort Polk, Peason Ridge, and adjacent U.S. Forest Service lands to restore and maintain conditions of widely spaced trees, clear of dense midstory growth. Management occurred originally for military training suitability and red-cocaded woodpecker habitat, and most recently for Louisiana pinesnake habitat.

In 2003, a Candidate Conservation Agreement (CCA) for the Louisiana pinesnake, which includes the Service, USFS, DOD, Texas Parks and Wildlife Department (TPWD), and LDWF, was completed. Targeted conservation actions are currently being implemented as part of that agreement. The CCA is designed to identify and establish beneficial habitat management actions for the Louisiana pinesnake on Federal lands in Louisiana and Texas, and provides a means for the partnering agencies to work cooperatively on projects that avoid and minimize impacts to the species. The CCA also set up mechanisms to exchange information on successful management practices and coordinate research efforts. Since completion of the CCA, beneficial forest management activities conducted by USFS and Fort

Polk have been formally dedicated to conservation of the Louisiana pinesnake. The CCA was revised in 2013, and now also includes the U.S. Department of Agriculture's (USDA) Natural Resources Conservation Service (NRCS) and the AZA as cooperators (U.S. Fish and Wildlife Service 2013, pp. 7-8). That agreement updates, supersedes, and improves upon the 2003 CCA, and uses significant new information derived from research, threats assessments, and habitat modeling that was not available in 2003 to focus conservation actions, including beneficial forest management, in areas with the best potential to become suitable habitat for the Louisiana pinesnake. The updated CCA addresses threats from habitat loss on Federal lands, and for the activities performed by NRCS on private land. The CCA also includes guidance on practices to reduce impacts to Louisiana pinesnakes from vehicles on improved roads and off-road all-terrain vehicle (ATV) trails.

Fort Polk's current Integrated Natural Resource Management Plan includes provisions for creating and maintaining suitable Louisiana pinesnake habitat guided by the 2013 CCA.

Can comments or information that is relevant to the Service's proposed listing rule be provided?

Yes. To ensure any final action resulting from this proposal is based on the best scientific data available, the Service is seeking information and comments from all stakeholders and the general public. However, comments simply offering support for or opposition to the proposed rule, while noted, are not used in determining a final action.

Also, the Service will seek peer review from independent specialists during the public comment period to ensure that the proposal is based on scientifically sound data and analyses.

A list of the specific types of information and comments being sought is provided in the "Information Requested" section of the proposed rule available via the Federal eRulemaking Portal at <http://www.regulations.gov/>.

How can comments or information be submitted?

Written comments and information concerning the proposal can be submitted by one of the following methods:

- Federal eRulemaking Portal: <http://www.regulations.gov/>. Follow the instructions for submitting comments to Docket No.FWS-R4-ES-2016-0121 or,

- mail or hand deliver to U.S. Fish and Wildlife Service, Public Comments Processing, Attn: Docket No.FWS-R4-ES-2016-0121 U.S. Fish and Wildlife Headquarters, MS: BPHC, 5275 Leesburg Pike, Falls Church, VA 22041-3803.

This action will publish in the Federal Register on October 6, 2016. The Service invites citizens and organizations to provide comments on the proposed rule within 60 days, on or before December 5, 2016. The Service will post all comments on <http://www.regulations.gov>. This generally means the agency will post any personal information provided through the process. The Service is not able to accept e-mails or faxes.

Written requests for public hearings may be submitted, using the same methods, and must be received within 45 days by Nov 22, 2016.

Are comments and information considered by the Service in making the final decision?

Yes. All comments and information are reviewed and given appropriate consideration as Service staff members work through the final decision making processes. Stakeholders and the general public play an important role in helping the Service ensure any final actions are not only based on the best scientific and commercial information available, but are also accurate and more effective. The Service has a history of producing final decisions and actions that reflect this invaluable input.